

Roderick G. Dorman (SBN 96908)
Lawrence M. Hadley (SBN 157728)
MCKOOL SMITH HENNIGAN, P.C.
865 South Figueroa Street, Suite 2900
Los Angeles, CA 90017
Telephone: +1 213 694 1200
Facsimile: +1 213 694 1234
Attorneys for Plaintiff MEDSQUIRE, LLC

D. James Pak (SBN 194331)
BAKER & MCKENZIE LLP
12544 High Bluff Drive, Third Floor
San Diego, CA 92130-3051
Telephone: +1 858 523 6200
Facsimile: +1 858 259 8290
D.James.Pak@bakermckenzie.com
Attorneys for Defendant QUEST
DIAGNOSTICS INCORPORATED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MEDSQUIRE, LLC

Plaintiff,

vs.

SPRING MEDICAL SYSTEMS, INC.;
QUEST DIAGNOSTICS, INC.;
NEXTGEN HEALTHCARE
INFORMATION SYSTEMS, INC.;
HENRY SCHEIN MEDICAL
SYSTEMS, INC.; HEWLETT-
PACKARD COMPANY; APRIMA
MEDICAL SOFTWARE, INC.;
eCLINICALWORKS, LLC; MED3000,
INC.; PULSE SYSTEMS, INC.;
COMPULINK BUSINESS SYSTEMS,
INC.; NEXTECH SYSTEMS, INC.;
NAVINET, INC.; successEHS, INC.;
athenaHEALTH, INC.

Defendants.

Case No. CV11-4504-JHN (PLAx)

**STIPULATION AND PROPOSED
ORDER FOR DISMISSAL OF
INDIRECT INFRINGEMENT
CLAIMS AS ASSERTED AGAINST
QUEST DIAGNOSTICS, INC.**

Judge: Hon. Jacqueline H. Nguyen

WHEREAS, Medsquire, LLC (“Medsquire”) asserted claims of indirect infringement against Quest Diagnostics, Inc. (“Quest”) at paragraphs 165-169 and 230-233 of the First Amended Complaint; and

WHEREAS, Medsquire agrees to voluntarily dismiss such claims;

IT IS HEREBY STIPULATED TO AND ORDERED AS FOLLOWS:

(1) Medsquire’s claims of indirect infringement against Quest at paragraphs 165-169 and 230-233 of the First Amended Complaint are dismissed without prejudice; provided however, Medsquire may move for leave to reintroduce those claims, which leave will be granted only if Medsquire can establish good cause for doing so based on a newly learned or discovered fact(s) relating to Quest’s alleged knowledge of the patent in suit and specific intent to induce others’ infringement.

(2) Quest shall have until October 25, 2011, to answer the remaining claim against it for direct infringement in the First Amended Complaint.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: October 10, 2011

McKOOL SMITH HENNIGAN, P.C.

BAKER & McKENZIE LLP

/s/ Lawrence M. Hadley

/s/ D. James Pak

Lawrence M. Hadley
Attorney for Plaintiff MEDSQUIRE,
LLC

D. James Pak
Attorney for Defendant QUEST
DIAGNOSTICS INCORPORATED.

IT IS SO ORDERED.

Dated: _____

By: _____
Honorable Jacqueline H. Nguyen
United States Judge